

## REMARKS

The present amendment is submitted in response to the Office Action dated October 22, 2002, which set a three-month period for response. Filed herewith is a Request for a One-Month Extension of Time, making this amendment due by February 22, 2002, a Saturday, or by Monday, February 24, 2003.

Claims 1-40 are pending in this application.

In the Office Action, claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,096,040 to Esser. Claims 8-13 and 17-39 stand rejected as being anticipated by U.S. Patent No. 6,305,938 to Branemark. Claims 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Branemark in view of Esser.

The Applicant notes with appreciation the allowance of claims 1-6 and 40.

With regard to the new grounds for rejection of claims 7-39, however, the Applicant respectfully submits that the patents to Esser and Branemark are not valid references under 35 U.S.C. 102(e). The subject matter of rejected claims 7-39 is claimed in at least one of the priority documents to the present application. The priority documents to the present application are DE 198 08 628 A1 and DE 197 29 222 A1, the priority dates of which both predate the critical dates under 35 U.S.C. 102(e) of the Esser and Branemark references.

Within 30 days of this amendment, the Applicant will submit via Supplemental Amendment a literal translation of DE 198 08 628 A1, which includes the subject matter of the earlier filed DE 197 29 222 A1. This translation will reveal that the subject matter

of rejected claims 7-39 is disclosed and claimed in the priority document, which predates both new references.

Therefore, because both the Esser and Branemark references are believed to be invalid references in support of the rejection under Section 102(e), the Applicant shall not address substantively the grounds for rejection of claims 7-39 stated in the Office Action.

In light of the foregoing remarks in support of patentability, and in conjunction with the Supplemental Amendment and translation to be filed in this case, the Applicant respectfully requests withdrawal of the rejection of the claims for the reasons set forth above. The Applicant respectfully submits that this application now stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss any remaining issues.

Respectfully Submitted,



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